



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	CONSENT PRELIMINARY ORDER OF
	:	<u>FORFEITURE/MONEY JUDGMENT</u>
- v. -	:	
STEPHEN WALSH,	:	09 Cr. 722 (MGC)
Defendant.	:	

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WHEREAS, on or about July 24, 2009, STEPHEN WALSH (the "defendant"), was charged in a six count Indictment 09 Cr. 722 (MGC) (the "Indictment") with conspiracy to commit securities and wire fraud, in violation of 18 U.S.C. § 371 (Count One); securities fraud, in violation of 15 U.S.C. §§ 78j(b) and 78ff, 17 C.F.R. § 240.10b-5, and 18 U.S.C. § 2 (Count Two); commodities fraud, in violation of 7 U.S.C. §§ 60(1) and 13(a)(2) and (5), and 18 U.S.C. § 2 (Count Three); wire fraud, in violation of 18 U.S.C. §§ 1343 and 2 (Counts Four and Five); and money laundering, in violation of 18 U.S.C. §§ 1957 and 2 (Count Six);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One, Two, Four and Five seeking forfeiture to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. 2461, of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts One, Two,

Four and Five of the Indictment, including but not limited to at least \$131,000,000 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the charged securities and wire fraud offenses;

WHEREAS, on or about April 25, 2014, the defendant pled guilty to Count Two of the Indictment pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation, which provided for forfeiture to the United States (1) pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, of a sum of money equal to at least \$50,743,779 in United States currency, representing all property, real or personal, that constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Count Two of the Indictment;

WHEREAS, the defendant consents to the imposition of a money judgment in the amount of \$50,743,779 million in United States currency, representing the amount of proceeds that he personally obtained as a result of the securities fraud offense charged in Count Two;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney, Preet Bharara, United States Attorney, Assistant United States Attorneys Benjamin

Naftalis and Jessica Masella, of counsel, and the defendant, and his counselors, Michael Tremonte and Justin Sher, that:

1. As a result of the offense charged in Count Two of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$50,743,779 in United States currency shall be entered against the defendant (the "Money Judgment").

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Order of Forfeiture/Money Judgment, this Order is final as to the defendant, STEPHEN WALSH, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007, and shall indicate the defendant's name and case number.

4. Upon execution of this Order of Forfeiture, and pursuant to 21 U.S.C. § 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Order to the United States Attorney's Office, Southern District of New York, Attn: Sharon Cohen Levin, Chief, Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

8. The signature page of this Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA  
United States Attorney for the  
Southern District of New York

By:

*Ben*

BENJAMIN NAFTALIS/JESSICA MASELLA  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
Tel.: (212) 637-2456/2288

10/21/14  
DATE

STEPHEN WALSH, DEFENDANT

By:

*Stephen Walsh*

STEPHEN WALSH

10/21/14  
DATE

By:

*M Tremonte*

MICHAEL TREMONTE/JUSTIN SHER  
Sher Tremonte LLP  
80 Broad Street, Suite 1301  
New York, NY 10004  
Tel.: (212) 202-2600

10/21/14  
DATE

SO ORDERED:

*S/*

HONORABLE MIRIAM GOLDMAN CEDARBAUM  
United States District Judge

October 29, 2014  
DATE